IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SIXTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 22358 of 2004

Between:

S.R.N.Purshotham, Force No.830733423, HC/GD,S/o.Late S.Narasimulu,
99 BN RAF/CRPF Qtrs, H.No.Type-II Block-8/E,
Malkaram Village, Hakimpet, Ranga Reddy Dist.A.P.

..... PETITIONER

AND

1 The Govt. of India, rep.by its Secretary, MHA.N.Delhi-110001.
2 The Director General, CRPF, CGO Complex, Lodhi Road, N.Delhi-3.
3 The Addl.DIGP, Group Centre, CRPF, Ranga Reddy,
Hakimpet, Secunderabad-78.
4 Sri C.P.Sharma 21/C, Commandant-cum-Estate officer-CCD 99 BN, RAF/CRPF,
Hakimpet, Secunderabad-78.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction in the nature of writ of Mandamus, directing the respondents not to evict the petitioner or his family members from the allotted Govt. family quarter No.8/E, Type-II in 99 BN RAP campus as illegal, arbitrary, unconstitutional against the principles of natural justice and consequently direct the Respondent-4 not to recovery damage rent on market value of Hyderabad station at the rate of Rs.2,819/- P.M. with effect from 28-8-2004 from the pay and allowance of the petitioner in pursuance of the proceedings No.A-11-2/2004.05.99 Bldg of the 4th respondent and set aside the same in the interest of justice.

Counsel for the Petitioner:MR.NARINDER PAL SINGH

Counsel for the Respondent Nos 1 to 4.: MR.ARAJASHEKAR REDDY --- Standing Counsel for Central Government

The Court made the following :

ORDER:

This writ petition is filed to issue a writ of Mandamus directing the respondents not to evict the petitioner or his family members from the allotted Government family quarter No.8/E, Tyoe-II in 99 Bn RAP campus.

The learned counsel for the petitioner contended that as per para 1.6 of the guidelines issued by the Directorate General, CRPF, New Delhi for allotment of CRPF accommodation, the CRPF personnel posted to North-East region and Jammu Kashmir are entitled for retention of the Government quarter for a period of five years. He further contended that the petitioner was posted to work in Jammu & Kashmir, which is a sensitive area, and therefore, he may be permitted to retain the said quarter.

On the other hand, the learned Standing Counsel appearing for the respondents contended that the circular instructions do not give any right to the petitioner for retention of Government quarter so as to challenge the same under Article 226 of the Constitution of India and the writ petition is devoid of merit.

The fact that the petitioner was posted at Jammu & Kashmir, which is a sensitive area, is not disputed. Though, the guidelines issued by the Directorate General, do not confer any right to the CRPF personnel to claim the sought thereof, but the same are required to be taken notice of by the competent authority while considering

requests. For that purpose, the writ petitioner made a representation dated 25.11.2004 to the Director General, Central Reserve Police Force, New Delhi, for retention of the said quarter. Therefore, the Director-General, CRPF has to take appropriate decision and pass necessary orders basing on the circular instructions issued by him.

Hence, the writ petition is disposed of directing the 1st respondent to consider the representation made by the petitioner dated 25.11.2004, in accordance with law, and in the light of the circular instructions, and pass appropriate orders.

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06.12.2004

bsv

To

1 The Secretary, Government. of India, MHA.New Delhi-110001.
2 The Director General, CRPF, CGO Complex, Lodhi Road, New Delhi-3.
3 The Addl.DIGP, Group Centre, CRPF, Ranga Reddy,
Hakimpet, Secunderabad-78.
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